



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
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MEMORANDUM

DATE: 9/8/2006
TO: Robert Batteese, Acting Director, Division of Plant Industry
FROM: Henry Jennings
SUBJECT: Board of Pesticides Control Legislative Priorities

At their regular monthly meeting held on July 21, 2006, the Board directed me to approach the Department about submitting two separate pieces of legislation which would modify existing Board statutes that the Board feels are out of date. The Board requests the Department indicate its willingness to submit this legislation so they can plan accordingly. The two initiatives are outlined below:

1) Modify Title 22 to require a commercial pesticide applicator's license when applying pesticides in a food handling establishment.

Discussion: Current state law requires that pesticide applicators hold a commercial pesticide applicator's license if they, a) apply a restricted use pesticide under any circumstance other than in the production of an agricultural commodity, b) apply a pesticide as a service for compensation, c) apply a pesticide to an area open to use by the public, and d) apply a pesticide as part of their duties as a state, federal or local government employee. Board members believe the current commercial licensing scheme presents a glaring public health loophole because untrained employees of food handling establishments can apply pesticides in food processing plants and restaurant kitchens while food is being prepared. This is in sharp contrast to having licensed applicators applying pesticides in food handling establishments who are trained to take a number of stringent precautions designed to prevent contamination of food, utensils and handling surfaces. Oddly enough, a license is currently required to apply pesticides in a restaurant dining room (open to public), but not in the kitchen. Since safety of the public food supply is a major focus of state and federal pesticide law, the Board feels it's time to address this discrepancy.

Proposed Language Change: 22 M.R.S.A. § 1471-C (5-A) **Custom application.** "Custom application" means any application of any pesticide under contract for which compensation is received ~~or~~ any application of a pesticide to a property open to use by the public or any application of a pesticide in a food handling establishment.

2) Modify Title 22 to expand the list of rodents for which chemical control is allowed.

Discussion: Title 22 currently limits the use of pesticides in Maine for rodent control to mice and rats. However, federal law does not contain this limitation and there is a wide array of products available to homeowners for control of a number of other rodents such as moles, wood chucks and squirrels. The Board believes Maine should align its laws with the federal standards.

Proposed Language Change: 22 M.R.S.A. § 1471- N 4. **Control of ~~rats and mice~~ certain vertebrates.** The control of rats ~~and~~ mice, moles, woodchucks and squirrels on public and private property including buildings and municipal dumps, and the control of English sparrows, starlings and pigeons within buildings, is exempt from this section, provided that the control is performed in accordance with this chapter, the regulations of the board and the directions on the label of the registered pesticide employed.